

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
NOV 21 2019
David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

LEE ROY VILLARREAL

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§

Criminal No. 4:15-cr-0566-S1

FIRST
SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One
(Conspiracy to Possess with Intent to Distribute Cocaine)

Beginning on or about April 1, 2011 and continuing thereafter to on or about February 20, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendant

LEE ROY VILLARREAL

did knowingly and intentionally conspire and agree with persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substances involved were more than 5 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance and more than 1,000 kilograms of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1),

841(b)(1)(A).

Count Two
(Conspiracy to Kidnap)

From on or about May 1, 2011 to on or about May 28, 2011 in the Southern District of Texas and within the jurisdiction of the Court, defendant

LEE ROY VILLARREAL

did knowingly and intentionally conspire and agree with persons known and unknown to the Grand Jurors to unlawfully seize, confine, kidnap, abduct and carry away and hold for ransom, reward and otherwise Felipe Guerra and Gerardo Olivarez and in committing or in furtherance of the commission of the offense to willfully transport Felipe Guerra and Gerardo Olivarez in interstate and foreign commerce, that is, from Hidalgo County, Texas to the United Mexican States.

In furtherance of the conspiracy and to effect the object of the conspiracy the following overt acts, among others, were committed in the Southern District of Texas:

1. On or about early May 2011, Miguel Villarreal told Jesus Fernando Gonzalez that unknown persons stole kilograms of cocaine from a stash house in the Mission, Texas area;
2. On or about early May 2011, Miguel Villarreal told Jesus Fernando Gonzalez to call him if he learned of persons selling kilograms of cocaine at a cheap price;
3. On or about early May 2011, Jesus Fernando Gonzalez told Miguel Villarreal that Francisco Licea-Guerrero was selling kilograms of cocaine at a cheap price;

4. On or about early May 2011, Miguel Villarreal sent Alan Alpizar-Cordoba to the United States to investigate the theft of the cocaine;
5. On or about early May 2011, Miguel Villarreal sent Hector Gabriel Barrios-Hernandez to the United States to investigate the theft of the cocaine;
6. On or about early May 2011, Jesus Fernando Gonzalez introduced Hector Gabriel Barrios-Hernandez to Francisco Licea-Guerrero;
7. On or about early May 2011, LEE ROY VILLARREAL met with conspirators at Jesus Fernando Gonzalez's mechanic shop;
8. On or about mid-May 2011, Roel Garza stored firearms at Guadalupe Gonzalez's residence;
9. On or about mid-May 2011, LEE ROY VILLARREAL met with conspirators at Guadalupe Gonzalez's residence;
10. On or about mid-May 2011, Arturo Armendariz sold one (1) kilogram of cocaine to Francisco Licea-Guerrero;
11. On or about mid-May 2011, Arturo Armendariz sold two (2) kilograms of cocaine to Hector Gabriel Barrios-Hernandez;
12. On or about mid-May 2011, FNU LNU aka Chiapas shot Arturo Armendariz;
13. On or about mid-May 2011, Arturo Armendariz told Hector Gabriel Barrios-Hernandez that Felipe Guerra and Gerardo Olivarez gave him the three (3) kilograms of cocaine;
14. On or about mid-May 2011, LEE ROY VILLARREAL met with conspirators at a residence located on Trosper Road in the Alton, Texas area;
15. On or about mid-May 2011, LEE ROY VILLARREAL showed conspirators how to use firearms to commit the kidnappings;

16. On or about mid-May 2011, LEE ROY VILLARREAL showed conspirators how to use duct tape to commit the kidnappings;
17. On or about mid-May 2011, Roel Garza attempted to kidnap Felipe Guerra;
18. On or about mid-May 2011, Victor Romero attempted to kidnap Felipe Guerra;
19. On or about May 28, 2011, LEE ROY VILLARREAL met with conspirators at the residence located on Trosper Road in the Alton, Texas area;
20. On or about May 28, 2011, Gerardo Villarreal drove a Ford truck to Gerardo Olivarez's residence;
21. On or about May 28, 2011, Gerardo Villarreal possessed a firearm;
22. On or about May 28, 2011, Jose Lorenzo Davila handcuffed Ovidio Guerrero;
23. On or about May 28, 2011, Jose Lorenzo Davila put Ovidio Guerrero inside the Ford truck;
24. On or about May 28, 2011, Gerardo Villarreal transported Ovidio Guerrero to the residence located on Trosper Road in the Alton, Texas area;
25. On or about May 28, 2011, Alan Alpizar-Cordoba conducted surveillance during the kidnapping of Ovidio Guerrero;
26. On or about May 28, 2011, Alan Alpizar-Cordoba possessed a firearm;
27. On or about May 28, 2011, Hector Gabriel Barrios-Hernandez conducted surveillance during the kidnapping of Ovidio Guerrero;
28. On or about May 28, 2011, Roel Garza conducted surveillance during the kidnapping of Ovidio Guerrero;
29. On or about May 28, 2011, Roel Garza possessed a firearm;

30. On or about May 28, 2011, Orlando Hernandez conducted surveillance during the kidnapping of Ovidio Guerrero;
31. On or about May 28, 2011, Orlando Hernandez possessed a firearm;
32. On or about May 28, 2011, FNU LNU aka Chiapas conducted surveillance during the kidnapping of Ovidio Guerrero;
33. On or about May 28, 2011, FNU LNU aka Chiapas possessed a firearm;
34. On or about May 28, 2011, FNU LNU aka Payaso conducted surveillance during the kidnapping of Ovidio Guerrero;
35. On or about May 28, 2011, FNU LNU aka Payaso possessed a firearm;
36. On or about May 28, 2011, Jose Lorenzo Davila transported Ovidio Guerrero to Orlando Hernandez's residence in Rio Grande City, Texas;
37. On or about May 28, 2011, Jose Guadalupe Garza-Ochoa transported Ovidio Guerrero to the bank of the Rio Grande River.

In violation of Title 18, United States Code, Sections 1201(c) and 1201(a)(1).

Count Three
(Kidnapping)

On or about May 28, 2011 in the Southern District of Texas and within the jurisdiction of the Court, defendant

LEE ROY VILLARREAL

did unlawfully seize, confine, kidnap, abduct and carry away and hold for ransom, reward and otherwise Ovidio Guerrero and in committing or in furtherance of the commission of the offense willfully transported Ovidio Guerrero in interstate and foreign commerce, that is, from Hidalgo County, Texas to the United Mexican

States.

In violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

Count Four

(Using, Carrying and Brandishing a Firearm)

On or about May 28, 2011, in the Southern District of Texas and within the jurisdiction of the Court, defendant

LEE ROY VILLARREAL

did knowingly and intentionally use, carry and brandished a firearm during and in relation to:

- (i) a drug trafficking crime, that is, conspiracy to possess with intent to distribute controlled substances, that is, cocaine as charged in Count One; and
 - (ii) a crime of violence, that is, kidnapping as charged in Count Three;
- for which he may be prosecuted in a court of the United States.

In violation of Title 18, United States Code, Section 924(c)(1)(A), 924(c)(1)(A)(iii) and Section 2.

NOTICE OF CRIMINAL FORFEITURE

Title 21, United States Code, § 846

Pursuant to Title 21, United States Code, Section 853(a), the United States of America gives notice to the defendant

LEE ROY VILLARREAL

that, upon conviction of an offense in violation of Title 21, United States Code, § 846 as charged in this Superseding Indictment, the following property shall be subject to forfeiture:

- 1) all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and
- 2) all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

Money Judgment

The United States may seek the imposition of a money judgment.

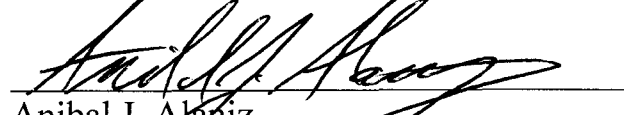
Substitute Assests

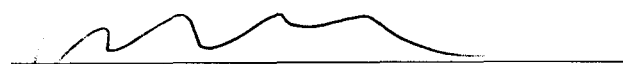
In the event that a condition listed in Title 21, United States Code, § 853(p) exists, the United States will seek to forfeit any other property of the defendant in substitution.

A TRUE BILL

ORIGINAL SIGNATURE ON FILE

RYAN K. PATRICK
UNITED STATES ATTORNEY


Anibal J. Alaniz
Assistant United States Attorney


Casey N. MacDonald
Assistant United States Attorney